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March 18, 2022

VIA ECF

Honorable Vernon S. Broderick, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*
MDL No. 2542**

Dear Judge Broderick:

I write pursuant to the Court's orders of August 13, 2021, November 8, 2021, and February 23, 2022 [Dkt. Nos. 1436, 1583, and 180] with respect to the sealing of certain records.

This firm represents non-party Unilever United States, Inc. ("Unilever"). The parties filed portions of the deposition transcript of Unilever's Rule 30(b)(6) witness, Theodore Narozny (identified as Exhibit A123), as well as expert reports that summarize Mr. Narozny's testimony (most specifically, the Expert Report of David S. Sibley, Ph.D.), in connection with summary judgment and *Daubert* motions. I further understand that Mr. Narozny's transcript and the Sibley Report have been filed provisionally under seal, and the purpose of my letter is to respectfully request that the seal be made permanent.

As noted, Unilever is non-party to this litigation but was called upon to produce internal documents and provide witness testimony pursuant to Rule 45 because the parties felt that these materials may be relevant to their claims and defenses. While Unilever of course complied with its obligations to provide evidence as a non-party under Rule 45, Unilever should not suffer prejudice through the public disclosure of its internal business plans, financial information, and other confidential materials that, absent the Rule 45 subpoena, would not have been public. Specifically, the portions of Mr. Narozny's testimony marked as Exhibit A123 addresses the terms of a contract termination, certain internal cost issues associated with the manufacture and distribution of product, and related matters. The testimony also summarizes and discussed internal Unilever documents that discuss confidential, internal matters. Finally, the Sibley Report quotes from Mr. Narozny's testimony and the internal Unilever documents with respect to Unilever's confidential business plans and analyses.

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This non-public information may place Unilever at a competitive disadvantage were these matters to become public. For these reasons, Unilever designated Mr. Narozny's testimony "confidential" and therefore asks that the Court the seal permanent.

Respectfully submitted,

s/Gavin J. Rooney

Gavin J. Rooney

GJR:ah

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cc: All Counsel of Record (via ECF)